

Appl. No. : 10/753,105  
Filed : January 7, 2004

### REMARKS

By way of summary, Claims 1-18 were originally filed with the application. In a subsequent response to office action, the Applicant canceled Claims 1-12 without prejudice. Accordingly, Claims 13-18 remain pending in the application. By this amendment, Claims 13 and 17 are amended and no new claim is added.

#### **Claim rejections under 35 U.S.C. §112**

In the Office Action, the Examiner rejected Claims 13-18 as being indefinite under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Examiner indicates that the term "conventional" in modifying the recited "pop-up sprinkler" is considered indefinite since it is not clear what structure is being claimed. The Applicant respectfully submits that this rejection is now moot in view of Applicant's above amendment of Claims 13 and 17.

#### **Claim rejections under 35 U.S.C. §102**

The examiner rejected Claims 13-18 under 35 U.S.C. §102(b) as being anticipated by the 892-cited NPL "U"-Fix-it manual for pop up sprinkler repair ("Sprinkler Manual"). The Applicant respectfully traverses the Examiner's rejection based on the reasons set forth below.

The Sprinkler Manual is directed to a method of repairing sprinklers. It does not disclose, teach or suggest, *inter alia*, the step of *placing a key in the cavity so as to conceal the key from view* as recited in amended Claim 13. Because the Sprinkler Manual fails to disclose, teach or suggest each and every limitation recited in Claims 13-18, the Applicant respectfully submits that Claims 13-18 are patentable over this reference.

The Examiner also rejected Claims 13 and 14 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,963,962 to Kruegle et al. ("Kruegle"). The Applicant respectfully traverses the Examiner's rejection based on the reasons set forth below.

Kruegle is directed to a method of camouflaging a surveillance camera by mounting a dummy *ceiling fire sprinkler head* below the camera. As an initial matter, the Applicant notes that the ceiling fire sprinkler head shown in Kruegle has a very different structure than a lawn pop-up sprinkler head described in preferred embodiments of Applicant's invention. The Kruegle fire sprinkler head has a pair of parallel arms connected to a daisy wheel water deflector

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and does not appear to have a housing containing sprinkler parts. Thus, the structure renders it inherently impossible to perform the step of removing the cap from the sprinkler housing and removing sprinkler parts therein. Further, no where in Kruegle does it disclose, teach or suggest removing a cap from the sprinkler housing. In fact, Kruegle shows the camera as being mounted in a mirror housing 120 that is separate and apart from the dummy sprinkler head. At least for the foregoing reasons, the Applicant submits that Kruegle fails to disclose, suggest or teach each and every limitation recited in the pending claims. Accordingly, the pending claims are patentable Kruegle.

**Claim rejections under 35 U.S.C. §103(a)**

The examiner also rejected Claims 15-18 under 35 U.S.C. §103(a) as being unpatentable over Kruegle. The Applicant respectfully traverses this rejection based on the reasons set forth below. As discussed above, Kruegle is directed to a method of camouflaging a surveillance camera by placing it behind a dummy fire sprinkler head. Kruegle is directed to a completely different application using structurally different components. Nowhere in Kruegle does it provide the suggestion or motivation to arrive at the methods recited in the pending claims. Accordingly, Claims 15-18 are not obvious in view of Kruegle.

**Conclusion**

In view of the foregoing, the Applicant respectfully submits that all pending claims of the present application are in condition for allowance, and such action is earnestly solicited. Should there be any impediment to the prompt allowance of this application that could be resolved through a telephone conference, the Examiner is respectfully requested to call the undersigned at the number shown below.


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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By:   
Linda H. Liu  
Registration No. 51,240  
Attorney of Record  
Customer No. 20,995  
(951) 781-9231

3495413:kma  
030507